

**GREEN LAKE COUNTY
BOARD OF ADJUSTMENT
Meeting Minutes – Friday, June 21, 2013**

CALL TO ORDER

The meeting of the Board of Adjustment was called to order by Vice Chair Nancy Hill at 9:00 a.m. in County Board Room 0902 of the Government Center, Green Lake, WI. The requirements of the open meeting law were certified as being met.

Present: Nancy Hill, Kathleen Moore
Absent: Janice Hardesty
Also present: Al Shute, Land Use Planning & Zoning Director/County Surveyor
Matt Kirkman, Code Enforcement Officer
Attorney Dan Hurst, Corporation Counsel
Kate Worth, Court Reporter

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Motion by Moore/Hill, unanimously carried, to approve the agenda. Motion carried.

APPROVAL OF MINUTES

Motion by Moore/Hill, unanimously carried, to approve the May 17, 2013, minutes.

RECESS FOR FIELD INSPECTION

Time: 9:02 a.m.

Audio of Board discussion is available upon request from the Green Lake County Land Use Planning and Zoning Department.

PUBLIC HEARING MATTERS

Board reconvened at 10:29 a.m.

Chair Hill read the Rules of Order.

Item I: Owners/Applicants: Matt & Vicki Jahnke **Site Description:** N1542 State Road 73, Parcel #012-00239-0200, Lot 1 Certified Survey Map 3428, Section 14, T14N, R12E, Town of Manchester **Request:** The owners/applicants are requesting a variance from Section 350-50 A. of the Zoning Ordinance to construct a single-family dwelling less than 67 feet from the right-of-way of State Road 73.

- a. Public hearing.

Matt Jahnke was sworn in by Court Reporter Kate Worth.

Matt Jahnke, 422 South Main Street, Markesan – Spoke in favor of the request.

Vicki Jahnke was sworn in by Court Reporter Kate Worth.

Vicki Jahnke, 422 South Main Street, Markesan – Spoke in favor of the request.

Public hearing closed.

b. Board discussion and deliberation.

Questions were also asked of staff regarding two dimensions from a state highway that were mentioned in the staff report. Moore asked why the setback is 67' rather than the customary 40' from a highway. Shute replied that 67' is a number that was adopted along the way by Green Lake County.

The board asked questions of the applicants regarding the following:

- Were soils tests done?
- Will the septic system be placed in the low area by the existing garden?
- Have the applicants considered moving the house northeast so that it's parallel to the driveway?
- Did the applicants look at house plans that were not so deep?
- The area that is to the north of the driveway, but south of the conservancy (wetland), is that about the same elevation?
- Is the right-of-way a recorded easement?
- If the house were moved back further, would it require a retaining wall?
- What are the plans for the existing well?

Hill reminded everyone that cost, use, and need are not considerations when deciding a variance request.

Chris Smith, Smith Builders, 227 Morris Court, Fond du Lac – Confirmed Matt Jahnke's answer regarding dimensions.

Shute – Commented that the next step would be to issue or not issue a permit based on this board's decision. If this would come back to staff, there should be some specific dimensions given.

Moore – I would tell them that the garage could be no more than 30', which would take 6' off of the depth of the garage; then no more than half the width of the house cannot encroach into the right-of-way and the house should be appropriately angled that way.

Shute – I would hate to see something come back to staff that would be subject to misinterpretation. Any modification that you're going to send to us should have specific dimensions.

Hill – Would that mean that they'd have to re-apply and come back for another request?

Shute – I'm not sure what that means.

Hill – I think we need to go by what the request stated and make a decision based on that.

Corporation Counsel Dan Hurst – A specific dimension wasn't given so my opinion is that it could be modified.

The board discussed with Mr. Jahnke what he felt about possible modifications. He replied that they would rather not modify the plans.

Board decision.

Motion by Hill/Moore to approve the variance request from Section 350-50 A. of the Zoning Ordinance to construct an addition to an existing building less than seventy-five feet of the centerline of Proscarian Road with the following condition:

Roll call: Moore - nay, Hill – aye.

Motion failed.

Motion by Moore/Hill to approve the variance request subject to all of the living area of the house being outside of the setback area, and the garage encroach no more than 8' into the 67' setback area, they work with staff when angling and redesigning the house, and the garage be no more than 30' X 30'.

Roll call: Moore – aye, Hill – aye.

Motion carried.

Moore – There are limitations on that site with the topography and drainage and recorded easements which you can't encroach on. They are getting runoff from the road and to the south so there are some unique property limitations. There are other buildings they are trying to work around and maneuver around. This is an active farm. It's in the public interest because it's further back from the road and less of an encroachment than currently exists and it will not encroach on the easement.

Hill – I agree with what Kathleen (Moore). The property does have unique limitations and it would be in the public interest to give you relief, but what we give is minimal relief when we consider a decision. This would give us minimal relief. It would also address some of your concerns about runoff. It doesn't impinge on the right-of-way. It still makes it possible for the applicants to build a house.

Moore – I think the Zoning Department needs to look at where that 67' setback came from. It doesn't seem to be consistent and is strange.

CORRESPONDENCE - None

ELECTION OF A BOARD OF ADJUSTMENT CHAIR

Shute asked for nominations for Chair.

Nomination of Kathleen Moore as Chair offered by Nancy Hill. Nomination of Janice Hardesty as Chair offered by Kathleen Moore. No other nominations.

Motion by Hill/Moore, unanimously carried, to close nominations and cast a secret ballot. Unanimous votes (2-0) for Janice Hardesty.

ELECTION OF BOARD OF ADJUSTMENT VICE CHAIR

Shute asked for nominations for Vice Chair.

Nomination of Kathleen Moore as Vice Chair offered by Nancy Hill. No other nominations.

Motion by Hill/Moore, unanimously carried, to close nominations and cast a unanimous ballot for Kathleen Moore.

NEXT MEETING DATE

July 19, 2013

ADJOURN

On a motion by Hill/Moore, unanimously carried, to adjourn.

Time: 11:35 a.m.

Recorded by,
Carole DeCramer
Board of Adjustment Secretary

APPROVED ON:

August 15, 2014